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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,613	04/04/2001	Srihari Kumar	P3962	4045
24739 7590 02/12/2007 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076			EXAMINER BARTLEY, KENNETH	
			ART UNIT	PAPER NUMBER
			3693	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/826,613

Applicant(s)

KUMAR ET AL.

Examiner

Kenneth L. Bartley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/04/2001, 01/09/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-33 have been examined.

Specification

2. The abstract of the disclosure is objected to because of undue length (should be under 150 words). Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities: 1) "fig. 1" should be capitalized on line 15, page 12 and line 22, page 24; 2) periods are missing at the end of lines 22, 23, and 25 on page 13; 3) reference 33 (cited on lines 8, 16, and 19 on page 18; line 15, page 21; lines 16 and 18, page 24) should be reference 32; 4) the dash before the word "-pages" on line 16, page 39; 5) use of the word "is" on line 27, page 41, does not make sense; 6) a space is need between "207of" on line 25 of page 52; 7) the words "limited to" are repeated on line 13, page 53; 8) the sentence beginning on line 17, page 61, does not make sense; 9) the words "Net Worth" should not be capitalized on line 14, page 65; 10) the space used in "297 ,and" on line 27, page 68.

Appropriate correction is required.

4. The use of the trademarks ALTAVISTA, YAHOO, COMSTOCK, AMERICA ONLINE, VISA, MASTERCARD, WELLS FARGO, AMAZON, INTERNET EXPLORER, JAVA, and ACTIVEX has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

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Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The software suite is considered non-functional descriptive material. It is unclear how the software suite is created. For purposes of the examination, however, it is assumed that the software suite is stored on a computer-readable media. See MPEP § 2106.01 I.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,165,044 to Chaffee.

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8. Regarding applicant claims 1-5, 12, 14, 15, 17, 18, 25, 26, 28, 29, and 31,

Chaffee discloses:

- a. A computer based "...investment tracking system that is able to retrieve transaction data from a plurality of different accounts to generate a single financial report that is representative of the collective performance of all of the different accounts." (col. 2, lines 51-55) It is possible to view and edit (manipulate) data (col. 5, lines 27-29 and 50-51). This is available through a computer connected to a remote server, which can be linked to the Internet (which is a data-packet-network) (col. 4, lines 19-27 and Fig. 1);
- b. A "general information" web page (col. 5, lines 15-17 and Fig. 4) that can be accessed via a hyperlink from a "home page" (col. 4, lines 48-59 and Fig. 2);
- c. A "portfolio summary" page (col. 5, lines 27-32 and Fig. 8), that can be accessed via a menu (col. 5, lines 27-29) and hyperlink from the general information web page (col. 5, lines 15-17 and Fig. 4);
- d. A "portfolio summary" page (col. 5, lines 32-35 and Fig. 8) from which individual investment accounts can be linked (col. 6, lines 60-65) and reports (views of account and stock detail) obtained from a drop down menu (col. 8, lines 33-37). Reports are auditable, which could then be used for data tracking (col. 6, lines 65-67);
- e. Portfolios (and their accounts) selected to be tracked are listed and can be selected individually or as "ALL" (Fig. 4, Ref. 126);

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- f. A hyperlink from the "general information" web page to a "portfolio add" web page to add new investment accounts (col. 5, lines 36-37 and Figs. 4 and 5). Presumably, a spouses account could also be accessed and combined in a portfolio for shared stock information;
 - g. Access to financial institution databases (col. 4, lines 13-18) through a remote server, which acts as an investment portfolio tracking system (col. 3, lines 63-66 and Fig. 1), via the Internet (col. 2, lines 56-62). Financial institutions include brokerage houses, investment banks, on-line brokers, etc., which would therefore be available to the public (col. 4, lines 4-7);
 - h. An intranet or local server network for users, which can be linked to a remote server (col. 4, lines 22-27 and col. 11, lines 52-56) investment portfolio tracking system.
9. Regarding claims 6, 16, 22 and 30, Chaffee discloses that financial reports can be generated by a browser using HTML (col. 9, lines 17-19).
10. Regarding claims 7, 8, 19, 20, 32 and 33, Chaffee discloses hand-held computers that can be wireless, and wireless communication can use cellular connections, which would allow for cellular telephone (col. 4, lines 19-27).
11. Regarding claims 9, 13, 23, and 24, Chaffee discloses an "add" link that can automatically go to a financial institutions web site and provide information regarding an investment account (col. 5, lines 40-46 and Figs. 4 and 5). Presumably, the investment accounts could include IRA's, money market, and retirement accounts.

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12. Regarding claim 10, Chaffee provides that information is updated when the user accesses the general information page (col. 5, lines 21-23), which occurs at login (col. 9, lines 24-27 and Fig. 11);

13. Regarding claim 11, Chaffee allows that information can be updated at times specified by a user (col. 11, lines 29-31).

14. Regarding claim 21, Chaffee provides that financial reports are generated from information stored on a database on a server (col. 6, lines 18-24 and Fig. 1, Ref. 30).


15. Regarding claim 27, Chaffee discloses a "view" hyperlink (col. 5, lines 27-29, Ref. 121) in the "general information" web page that links to a portfolio summary display (Fig. 8). Other financial information, such as number of shares and total value of a stock can be listed (col. 6, lines 60-62 and Fig. 9A-9V).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth L. Bartley whose telephone number is (571) 272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 2/5/07
JAGDISH N. PATEL
PRIMARY EXAMINER